

17 April 1975

EXCLUSIVE ECONOMIC ZONE

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Revised draft prepared by [redacted]

CONTACT GROUP OF THE GROUP OF 77 ON MATTERS BEFORE
THE SECOND COMMITTEE

Revision

1. Coastal states have the right to establish beyond and adjacent to their territorial sea an Exclusive Economic Zone which shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.*

2. Coastal states exercise in and throughout the Exclusive Economic zone :

a) Sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources, whether renewable or non-renewable, of the water column, the sea-bed and subsoil.

b) Sovereign rights with regards to other activities for the economic exploration and exploitation of the Exclusive Economic Zone, such as the production of energy from the water, currents and winds, but without prejudice to provision of paragraph 7 below.

c) 1) Jurisdiction in conformity with this convention with respect to regulation, control and preservation of the marine environment including pollution control and abatement.

II) Exclusive jurisdiction in conformity with this convention with respect to authorization, regulation and control of scientific research.

III) Exclusive jurisdiction in conformity with this convention with respect to the establishment and use of artificial islands, installations structures and other devices, including customs, fiscal, health, public order and immigration regulation pertaining thereto.

Coastal states have the power to make and enforce regulations relating to the above rights and jurisdiction.

State Dept. review completed

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*This article is without prejudice to article 76, paragraph 1, pertaining to the Continental Shelf.
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3. In respect of a territory or part of a territory whose people have not achieved full independence or some other self-governing status recognized by the United Nations, the rights to the resources of its Exclusive Economic Zone belong to the people of that territory. These rights shall be exercised by such people for their benefit and in accordance with their needs and requirements. Such rights may not be assumed, exercised or benefited from or in any way be infringed upon by a foreign Power administering or occupying or purporting to administer or to occupy such territory.

4. In exercising its rights and its jurisdiction under this convention and in making and enforcing regulations pertaining thereto, coastal states shall have due regard to the rights of other states in the Exclusive Economic Zone as specified in this convention.

5. i) a. Land-locked states and developing geographically disadvantaged states have the right to exploit the living resources of the Exclusive Economic Zones of neighboring coastal states in accordance with this article and shall bear the corresponding obligations. Developed land-locked states shall however only be entitled to exercise their rights within the Exclusive Economic Zones of neighbouring developed coastal states.

b. In accordance with the provisions of paragraph ii) b. below, nationals of neighboring land-locked countries shall enjoy equal rights as nationals of coastal states, or preferential rights of access to the living resources of the Exclusive Economic Zones over third states, and bear similar but non-discriminatory obligations as nationals of the coastal state.

c. Nationals of neighboring developing geographically disadvantaged states shall enjoy preferential rights of access to the living resources of the Exclusive Economic Zone over third states and bear similar but non discriminatory obligations as nationals of coastal states.

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- d. Preferential rights referred to above shall be such as to ensure a fair and equitable share of the living resources of the Exclusive Economic Zone to nationals of land-locked states and developing geographically disadvantaged states.
- ii) a. The above mentioned rights of nationals of land-locked or geographically disadvantaged states cannot be transferred to third parties by lease or licence, by establishing joint collaboration ventures, or by any other arrangements. The foregoing shall not however preclude land-locked countries and developing geographically disadvantaged states from obtaining technical and financial assistance from third states or competent international organization in order to enable them to enjoy their rights herein.
- b. Bilateral, subregional or regional arrangements shall be worked out for the purpose of ensuring the enjoyment of the rights and carrying out the obligations in paragraph i, of this article including where appropriate, specifying the areas in the Exclusive Economic Zone where such rights would be exercised.*

6. For the purpose of these articles "developing geographically disadvantaged states" means coastal states which :

- I) For geographical reasons cannot claim an exclusive economic zone or
- II) Geographically can claim an Exclusive Economic Zone but for biological or ecological reasons derive no substantial economic advantage from doing so, and whose rights of access to living resources are adversely affected by the establishment of an Exclusive Economic Zones by other States;

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* Nothing in this article shall preclude states in a region or subregion from entering into arrangements for regional or subregional Exclusive Economic Zones for exploiting the resources therein.

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"Neighboring geographically disadvantaged state" means a state of a region situated within reasonable proximity to a coastal state.

7. I) All states, whether coastal or not shall enjoy in the Exclusive Economic Zone the right of freedom of navigation and overflight the right to lay submarine cables and pipelines and other uses of the sea related to navigation and communication, subject to the provisions of this convention.
- II) In exercising their rights and performing their duties within the Exclusive Economic Zone under this convention, states shall have due regard to the rights and duties of the coastal state and in particular its security interests in the Exclusive Economic Zone.

7. In cases where the convention does not attribute within the Exclusive Economic Zone, rights or jurisdiction to the coastal state or to other states and a disagreement arises in connection with the interests of the coastal state and any other state or states, such disagreement should be resolved on the basis of equity, the nature of the Exclusive Economic Zone and in the light of all relevant circumstances, taking into account the respective importance to the parties of the interests involved as well as to the international community as a whole.

17th April 1975.